



RAYMOND W. MARTIN

Partner

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Ray Martin has built a reputation as a premier employment litigator. He routinely represents Fortune 500 and other sophisticated clients in FLSA, whistleblower, discrimination, EEOC, and trade secret and noncompete lawsuits across a range of highly regulated industries including aviation, telecommunications, and healthcare. Chambers USA has ranked Ray in Band 1 for Employment Litigation in Colorado since 2010.

"A leading light in the area of labor and employment litigation."

—Chambers USA 2018

EDUCATION

University of Denver Sturm College of Law, J.D., 1977, with honors
Order of St. Ives

Pennsylvania State University Dickinson School of Law, 1974-1975

Morningside College, B.A., 1974, Political Science, *cum laude*

GOVERNMENT SERVICE

Colorado General Assembly Blue Ribbon Panel to address sexual harassment in the legislature (2018)

OTHER EXPERIENCE

Freeborn & Peters

ADMISSIONS

Colorado

HIGHLIGHTS

- Won a defense jury verdict in federal court for a Fortune 500 telecommunications client facing age discrimination and retaliation claims.
- Obtained complete dismissal of claims under the Federal False Claims Act for CollegeAmerica (aka The Center for Excellence in Higher Education).
- Obtained dismissal of all claims against University of Colorado Hospital Authority in a whistle blower case filed in district court in Colorado Springs.
- Won a complete defense verdict for CollegeAmerica against the EEOC.
- Won determination of no discriminatory conduct following a two-and-a-half-year investigation of our client by the EEOC.
- Won for AT&T before the Tenth Circuit Court of Appeals in an ERISA case.
- Won dismissal of two key claims against CollegeAmerica in an EEOC lawsuit involving separation agreements.

INDUSTRIES

- Consumer Products & Services
- Construction & Engineering
- Oil & Gas
- Professional Services
- Trucking
- Telecommunications
- Energy
- Healthcare

PRACTICE AREAS

- Employment
- Class Actions
- Investigations & Compliance
- Commercial Litigation
- Antitrust & Competition

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BIOGRAPHY

Ray Martin has represented many of Colorado's largest employers, as well as national Fortune 500 companies, in federal and state courts in the Rocky Mountain region for more than 30 years. The leader of WTO's employment practice group, Ray is a zealous representative of his clients and takes pride in the open and interactive relationships he develops with both in-house counsel and the management teams whose decisions are challenged in litigation.

For nine consecutive years, *Chambers USA* has ranked Ray in Band 1 in Colorado for Employment Litigation, which currently consists of the top three employment litigators in Colorado. In 2018, *Chambers* wrote, "Raymond Martin is a leading light in the area of labor and employment litigation. He is described as 'a phenomenal lawyer' and is widely lauded for his ability to collaborate with opposing counsel, as well as for his deep expertise. A source states: 'He has tremendous tactical and strategic instincts that transcend his expertise and experience in labor and employment matters.'"

Ray was named Best Lawyers 2018 Denver "Lawyer of the Year" for Employment Law - Management. Only one lawyer in each practice area in each community is selected as a "Lawyer of the Year." He was also selected by his peers as a 2018 "Best Lawyer" for labor and employment litigation. "I have met and worked with a small number [of attorneys] who are 'the best of the best,' and Ray Martin is one of them," a peer told *Best Lawyers*. "Ray is driven by the details and never misses a fact that impacts the case. He is relentless in his pursuit of the case and is a fearless advocate. He possesses a rare combination of tenacity and pragmatism. With his vast experience, he can cut through the issues to understand and properly value a case."

In 2016, the editorial board of *Law Week Colorado* named Ray the Barrister's Best Employment Lawyer for Defendants. Ray has twice been listed in the *International Who's Who of Business Lawyers*, which recognizes just four to five Colorado lawyers in its management labor and employment listing each year. He has also been recognized by the *Denver Business Journal* as one of the top three employment lawyers in Colorado based on voting by practicing attorneys in the state.

Ray is an elected Fellow of the Colorado Bar Foundation, an honor bestowed upon no more than five percent of Colorado lawyers for outstanding dedication to the welfare of the community, the traditions of the profession, and the maintenance and advancement of the objectives of the Colorado Bar Association.

CASES

- Won a defense jury verdict in federal court for a Fortune 500 telecommunications client facing age discrimination and retaliation claims.
- Obtained complete dismissal of claims under the Federal False Claims Act for CollegeAmerica (aka The Center for Excellence in Higher Education).
- Obtained dismissal of all claims against University of Colorado Hospital Authority in a whistle blower case filed in district court in Colorado Springs.

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- *EEOC v. CollegeAmerica Denver* (D. Colo. 2016) - Won a complete defense verdict for CollegeAmerica (aka The Center for Excellence in Higher Education) in a lawsuit brought by the U.S. Equal Employment Opportunity Commission. WTO attorneys won dismissal of two claims relating to severance provisions in 2014. A federal jury decided for CollegeAmerica on the final claim of retaliation in 2016.
- Prevailed against allegations of racial discrimination against a tech industry employer in Nevada. Following a two-and-a-half-year investigation, the Equal Employment Opportunity Commission concluded that no discriminatory conduct had occurred.
- *Menge v. AT&T* (10th Cir. 2014) - Won Tenth Circuit affirmation of a lower court ruling for AT&T in an ERISA dispute.
- *EEOC v. CollegeAmerica Denver* (D. Colo. 2014) - Obtained dismissal of key claims brought by the Equal Employment Opportunity Commission (EEOC) of alleged violations of the Age Discrimination in Employment Act (ADEA) and involving the EEOC's national campaign to limit employers' language in separation agreements. Two claims brought by the EEOC were dismissed outright for lack of subject matter jurisdiction. A third claim continues to be litigated.
- Represented a range of clients in seven recent noncompete cases, resulting in five preliminary injunctions enforcing the clients' noncompete agreements and, in two cases, defeating plaintiffs' attempts to enforce noncompete agreements against our clients.
- Obtained dismissal with prejudice of a race discrimination case brought against FedEx Freight in federal court in Colorado. The case was dismissed based on the plaintiff's discovery misconduct.
- Successfully defended a nonprofit organization in a pro bono matter involving claims of national origin and religious discrimination filed by a former employee. The Colorado Civil Rights Division rejected all of the plaintiff's claims and dismissed her charges of discrimination. The organization assists refugees to establish economic self-sufficiency in the U.S. after fleeing persecution in foreign countries.
- Obtained a preliminary injunction following a full-day evidentiary hearing in a Colorado district court on behalf of a large Ohio-based commercial painting company in a case involving trade secrets and a noncompete agreement.
- *Stoney v. Cingular Wireless* (10th Cir. 2012) - Defended the appeal to the Tenth Circuit of a 2010 jury verdict WTO won on behalf of AT&T in a high-profile whistleblower case. *Law Week Colorado* called the underlying trial court victory one of the "Top Defense Verdicts of 2010."
- Obtained a preliminary injunction enforcing WTO's client's non-competition agreement with a former employee after a two-day hearing in Jefferson County, Colorado.

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- *Apodaca v. Allstate Insurance* (Colo. June 20, 2011) - Won a Colorado Supreme Court decision favorable to WTO's client, Allstate, and all Colorado auto insurers in a purported class action involving disclosures associated with underinsured and uninsured motorist policies.
- Successfully defended a Colorado college before the Colorado Civil Rights Division in one of the first complaints filed under the 2007 amendment to the Colorado Anti-Discrimination Act, which extended state protection in the workplace to discrimination based on transgender status. WTO established that the plaintiff, a staff member and instructor at the college who had started a gender change from male to female, was terminated solely for her misconduct, not because she was transgender.
- Obtained injunctive relief in Colorado state court for an international payroll services company, enforcing the company's rights under a nonsolicitation agreement against a former employee who had gone to work for a competitor.
- Successfully defended a class action lawsuit filed in federal court in Colorado against a national financial institution accused of discriminating in its lending practices based on national origin.
- Won a temporary restraining order (TRO) and preliminary injunction (PI) for an international software developer in federal court in Colorado. The TRO and PI enjoined two of the clients' former employees from violating their non-compete and proprietary information agreements.
- Represented a major federal contractor in connection with a pattern and practice EEOC investigation relating to alleged gender discrimination, pregnancy discrimination, and glass ceiling issues.
- Successfully defended a major engineering firm against an FLSA class action.
- Successfully argued that a judgment previously entered against WTO's client was improper. The new order vacated the \$500,000 judgment entered against the defendant by a Colorado state court in 2008 in an ERISA matter handled by another firm.
- *Robinson v. FMC; Carnagua v. FMC* (D. Id.; S.D. Ind.) - Represented FMC Corp. in ERISA class actions brought by FMC retirees in Idaho and Indiana, respectively, who asserted that they were entitled to lifetime healthcare based on terms of various collective bargaining agreements. In the Idaho case, plaintiffs stipulated to the dismissal of the litigation with prejudice following discovery and filing of WTO's motion for summary judgment. In Indiana, following the completion of discovery, the Court entered summary judgment in favor of FMC on all claims.
- Obtained a temporary restraining order to stop the former employee of a healthcare third party administrator (TPA) and his new employer from contacting the TPA's customers. WTO also obtained a declaratory judgment that the TPA's noncompete agreement was enforceable under Colorado law.

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- Won a defense ruling in a week-long arbitration involving seven-figure damage claims and punitive damages brought by a former CEO and chairman of WTO's client, a securities broker-dealer.

TEACHING POSITIONS

National Employment Law Institute
Counsel on Education in Management

REPRESENTATIVE CLIENTS

AT&T
Center for Excellence in Higher Education, Inc. (aka CollegeAmerica)
FedEx Freight, Inc.
FMC - Regional Trial Counsel
Hach Co., a Danaher Company
HSS Inc.
Marriott Hotel Services
MWH Global
Ritz-Carlton Hotels
Southern Ute Indian Tribe
TAG Restaurant Group
United States Olympic Committee
University of Northern Colorado

BAR & COURT ADMISSIONS

Colorado
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the Tenth Circuit
U.S. District Court for the District of Colorado
U.S. Supreme Court

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Chambers USA

Labor & Employment - Colorado, 2006-2017
Ranked Band 1, 2010-2018

The Best Lawyers in America

Denver Employment Law - Management Lawyer of the Year, 2018
Employment Law - Management, 2017-2019
Labor & Employment Litigation, 2008-2019

Colorado Super Lawyers

Employment Litigation: Defense, 2006-2018
Top 100, 2013-2016, 2018

Law Week Colorado

2016 Barrister's Best Employment Lawyer for Defendants
International Who's Who of Management Labour & Employment Lawyers

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2010, 2012
Best of the Bar, *Denver Business Journal*
Labor & Employment, 2004, Top-Three Finalist
Martindale-Hubbell AV[®] Peer Review Rated
Colorado Defense Lawyers Association
Colorado Bar Foundation
Fellow
Denver Bar Association
Colorado Bar Association
Labor Law Committee
American Bar Association
The Faculty of Federal Advocates

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Wheat Ridge United Methodist Church
Former Trustee
Denver Post Charities
Former Chief Legal Counsel (*Pro Bono*)

ARTICLES & PRESENTATIONS

- "She's Forgetful? Hope It's Just Stress: Using Compassion to Avoid Legal Pitfalls."
- "Misconceptions About Employment Arbitration," presented at the Labor and Employment Relations Association's Labor and Employment Conference (September 22, 2011).
- "Emerging Trends and New Developments in Colorado Employment Law," presented at Colorado Personnel Law Update 2003 (October 28, 2003).
- "Handling Workplace Violence: A Collaborative Approach to Protecting Your Organization From Liability and Your Employees From Harm," presented at Colorado Personnel Law Update 2001 (June 20, 2001).
- "Terminating Employees on FMLA Leave: Protecting Your Business From Lawsuits and Sub-Standard Work Performance," presented at FMLA Update 1999 (July 28, 1999).
- "Personal Liability for Workplace Lawsuits," presented at Public Sector Employment (April 1999).
- "Preventive Measures to Avoid Wrongful Discharge Claims," presented at Disciplinary and Termination Law (November 1998).
- "Terminating Poor-Performing Disabled Employees: Protecting Your Business From Lawsuits and Sub-Standard Performers," presented at ADA Update (May 12, 1998).
- "Employee Benefits and the 101st Congress," 19 Colo. Law. 1825 (September 1990).

PERSONAL INTERESTS

Golf